



DRAFT MEETING MINUTES
BOARD OF SUPERVISORS, COUNTY OF MONO
STATE OF CALIFORNIA

Regular Meetings: The First,
Second, and Third Tuesday
of each month

Regular Meeting

County Courthouse,
Bridgeport, CA 93517

April 21, 2009

Flash Drive	File#	1021-22, 1001-02
Minute Orders	M09-73	M09-85
Resolutions	R09-14	R09-18
Ordinance	Ord09-01	Not used

9:00 AM Meeting Called to Order by Chairman, Supervisor Bill Reid

Pledge of Allegiance Supervisor Duane "Hap" Hazard

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke

BOARD MEMBER REPORTS

Hunt: attended meeting of ESTA -budget is in black and all borrowed funds have been paid back; next meeting in Bishop on May 18, 2009 in evening; special meeting at 7:30 p.m. opened to Gooch report; attended memorial for A. Lawrence

Farnetti: attended Town/County Liaison meeting; solid waste, town has finished negotiations on disposal and have agreed on long term land fill contract with county; church parcel sale; air service – unable to commit to summer service this year; town has agreed to put in \$250,000 in support of this. ERAF – seek legislative solution (for town and for county) \$10,000 to be put in by each for lobbyist; Measure R funding is in - ; met with TRG consultant re needs assessments; attended Andrea Lawrence memorial.

Bauer: re McKeon's list of allocations still in progress; ESTA things going well; meeting with Gooch and it is all good news; have established "line of credit" – met with Harry from TRG as well; wants agenda item re update on video conferencing equipment and where the county stands on this. Attended Andrea Lawrence memorial; Conference July NAACO – does Board still want her to attend – will put on the agenda. Bauer feels that she needs to commit on way or the other as to belonging to NAACO. Needs to have discussion with Board.

Hazard: met re Hammil property – not much out there – looked at sight being considered for EMS facility; Chalfant office hours – one question re internet services – missed LTC meeting; met with Harry TRG; DWP meeting at community center did not take place; Crowley Lake Office hours – many topics discussed; Church on the Mountain shared parking with Community Center – walked property with Public Works – looking at this to make it a common parking area; had a chance to reflect on Wilderness and his involvement – we have accomplished a lot but there is one overwhelming issue which is the fact that land mgrs were given 1 year to finalize facts and we should agendize this so that we are certain the boundaries are correct and that promises that were made are kept and that maps reflect all decisions. Sunnyslopes has internet service; would like to agendize item pertaining to homeowner construction fees, etc. what does it cost to build a 4,000 sq. foot home, all fees. Ron Black thinks the amounts are out of line.

Reid: toured Twin Lakes Road and Mono City and looked for areas to place cautionary signs; met with Harry from

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TRG – very productive meeting; town/county liaison meeting; Bridgeport RPAC discussed Service Area #5 and how to spend money accumulated; Pam from Mammoth Lakes housing reported what is happening; Colonel from MWTC came to meeting and made presentation re what they are doing up there and he was invited to Board meeting; discussed Visitor's Center; update on Cougar Gold – they have decided not to use helicopters – all staging will be from airport not from private property; attended Andrea Lawrence tribute. Out of town from Friday until next Friday.

COUNTY ADMINISTRATIVE OFFICE

- 1) **CAO Report regarding Board Assignments (David Wilbrecht)**
Receive brief oral report by County Administrative Officer (CAO) regarding his activities.

Participated with hospital strategic planning process
Attended town/county liaison meeting
Met with TRG – things are coming together
Continuing to have Health and Human Resources meeting
Staffing of misc departments
Approved landscape contractors for Lee Vining and Crowley Lake
Walker Senior Center \$22,000 of new furniture soon – it is in process
Attended Andrea Lawrence memorial service.
Rock Creek public hearing scheduled for May 12th

- 2) **APPROVAL OF MINUTES**

M09-73 A. Approve minutes of the regular meeting held April 7, 2009.
Hazard/Farnetti 5-0

M09-74 B. Approve minutes of the special meeting held April 7, 2009.
Hunt/Bauer 4-0 Abstain: Hazard

CLOSED SESSION

Enter Closed Session: 9:03 a.m.

COUNTY COUNSEL

- 3a) Conference with Real Property Negotiators - CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Government Code section 54956.8. Property: APN 3501063. Agency negotiators: Dave Wilbrecht, Marshall Rudolph, and Brian Muir. Negotiating parties: Mono County and the Town of Mammoth Lakes. Under negotiation: price and terms of payment.
- 3b) Conference with Real Property Negotiators - CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Government Code section 54956.8. Properties: APNs 0237002 and 0236128. Agency negotiators: Dave Wilbrecht, Marshall Rudolph, and Brian Muir. Negotiating parties: Mono County and the Antelope Valley Fire Protection District. Under negotiation: price and terms of payment.

Exit Closed Session: 9:50 a.m.

Reconvene Regular Session: 10:00 a.m.

DEPARTMENT REPORTS/EMERGING ISSUES

Lynda Roberts, County Clerk: Publically thanks Renn Nolan for her assistance in the Office of Clerk and thanks Board for support also. Poll workers are pretty well taken care of for

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election on May 19, 2009 – going to Rotary Meeting to inform them about poll worker opportunities.

Jody Henning, Assessor: report on Mammoth Mtn. Ski Area – it will be enrolled on time. – once number is enrolled the Mtn. has 60 days to appeal. It is possible that MMSA will put taxes on installment plan

Kelly Garcia, Public Works: Request for Proposals for Crowley Lake and Lee Vining landscaping projects are out...

Scott Burns: apologizes for error in his office on noticing the meeting for tonight – it was not done properly – staff will be at meeting tonight. Would like to reschedule for May 12, 2009
CAO will look into having May night meeting on the second Tuesday rather than the Third – May 19, 2009 is election day and most community centers are being used for that purpose.

Urgency Items:

NOA
M09-75a

(1) Letter of Support for the Inyo-Mono Integrated Water Management Planning Effort

ACTION: Board determines that there is a need to take immediate action with respect to a letter of support for the Inyo-Mono Integrated Water Management Planning Effort and moves to place item on agenda.

Hunt/Farnetti 5-0

Scott Burns and Mark Drew (California Trout) report on this matter

ACTION: Board approves the letter of support

Hunt/Bauer 4-0 Abstain: Hazard

NOA
M09-75b

(2) Letter of support for Inyo County Surface Transportation Authorizing High Priority Project Support (Olancho-Cartago Expressway)

ACTION: Board determines that there is a need to take immediate action with respect to a letter of support for the Inyo County Surface Transportation Authorization High Priority Project Support (Olancho-Cartago Expressway) and moves to place item on agenda

Farnetti/Hunt 5-0

ACTION: Board approves letter of support with the elimination of the last sentence – beginning with “federal funding”

Bauer/Hazard 5-0

CONSENT AGENDA

Farnetti/Hunt 5-0

COMMUNITY DEVELOPMENT - PLANNING DIVISION

4a)

Appointment to Antelope Valley Regional Planning Advisory Committee -
Request to appoint John Vannoy to the Antelope Valley RPAC as an alternate member.

M09-76

Action: Approve appointment.

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PUBLIC WORKS

- 5a) Disadvantaged Business Enterprise Program Implementation Agreement, Federal Fiscal Year 08-09 - Consider and potentially adopt proposed resolution "A Resolution of the Mono County Board of Supervisors Adopting a Disadvantaged Business Enterprise Program Implementation Agreement for the 2008-2009 Federal Fiscal Year". Receive staff report. Provide any desired direction to staff.
- R09-14** **Action:** Adopt and authorize the Chair's signature on **Resolution R09-14**, "A Resolution of the Mono County Board of Supervisors Adopting a Disadvantaged Business Enterprise Program Implementation Agreement for the 2008-2009 Federal Fiscal Year."

COUNTY COUNSEL

- 6a) Retainer Agreement for Drinker Biddle and Reath LLP - Proposed Retainer Agreement with Drinker Biddle and Reath LLP, as outside counsel on FCC matters, such as County Service Area licenses.
- M09-77** **Action:** Approve County entry into proposed agreement and authorize the Board Chair to sign on behalf of the County.

REGULAR AGENDA

CORRESPONDENCE RECEIVED (INFORMATIONAL)

All items listed are available for review and are located in the Office of the Clerk of the Board

CLERK-RECORDER

- 7a) Forest Service and Bureau of Land Management - Letter from Inyo National Forest--White Mountain Ranger District and the Bureau of Land Management--Bishop Field Office regarding reduction of hazardous fuels on public lands in the Crowley Lake and Toms Place areas of Mono County.
- 7b) State Water Resources Control Board - Notice of Petition for temporary urgency change for licenses 10191 and 10192 of City of Los Angeles, Department of Water and Power, pertaining to Rush Creek and Lee Vining Creek.
- 7c) Letter from Mono County Health Department - Letter from Louis Molina, Environmental Health Director, to California Integrated Waste Management Board regarding Administrative Conference Workplan Status.

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FINANCE

- 8a) Amendment to Contract for Indigent Counsel Services (**Brian Muir**) - Approve County entry into proposed first amended agreements with Randall Gephart, Gerald Mohun, and David Hammon pertaining to indigent counsel services, and authorize the County Administrative Officer to execute said amended agreements on behalf of the County. Receive staff report. Provide any desired direction to staff. Supervisor Bauer requests some time and perhaps a workshop on this matter before it is finalized. An economic analysis will be done during budget planning- this extension will take county through December.
- M09-78** **Action:** Approve County entry into proposed first amended agreements. Authorize the County Administrative Officer to sign said contract amendments on behalf of the County.
Hunt/Hazard 5-0

HUMAN RESOURCES

- 9a) Employment Contract (**Dave Wilbrecht**) - Consider and potentially adopt proposed resolution approving an employment agreement with Dan Lyster and prescribing the compensation, appointment, and conditions of said employment. (Note: Mr. Lyster is currently employed as the Economic Development and Special Projects Director and the proposed agreement would simply continue such employment at his current salary). Receive staff report.
- R09-15** **Action:** Adopt **Resolution R09-15** approving an employment agreement with Dan Lyster and prescribing the compensation, appointment, and conditions of said employment.
Bauer/Farnetti 5-0
- 9b) Employment Contract (**Dave Wilbrecht**) - Consider and potentially adopt proposed resolution approving an employment agreement with Julie Tiede and prescribing the compensation, appointment, and conditions of said employment. (Note: Ms. Tiede is currently employed as the Child Support Services Director and the proposed agreement would simply continue such employment at her current salary). Receive staff report.
- R09-16** **Action:** Adopt **Resolution R09-16** approving an employment agreement with Julie Tiede and prescribing the compensation, appointment, and conditions of said employment.
Farnetti/Hunt 5-0

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COUNTY ADMINISTRATIVE OFFICE

- 10a) Letter from Board of County Commissioners, Esmeralda County, Nevada (**David Wilbrecht**) - Request from the Esmeralda County, Nevada, Board of County Commissioners for support to help resolve a problem with snow removal on SR 266 and CA SR 168.
Comments by Supervisor Hazard-condition of California State Route 168 and State Route 266 during the winter. Inyo County would be the most involved.
- M09-79** **Action:** Join with the Esmeralda County, Nevada, Board of County Commissioners to support an agreement between the California Department of Transportation (CalTrans) and the Nevada Department of Transportation (NDOT) pertaining to snow removal issues on SR 266 and CA SR 168. Include Inyo County in notices of further community meetings.
Hazard/Farnetti 5-0

COMMUNITY DEVELOPMENT - PLANNING DIVISION

Additional Departments: County Counsel

- 11a) MOU governing use of internet planning grant funds (**Greg Newbry, Community Development and Information Technology**) - Memorandum of Understanding concerning use of grant funds from California Emerging Technology Fund for development of an "aggregation of demand" for broadband internet in the Eastern Sierra region.
- M09-80** **Action:** 1. Receive staff report on County's receipt of \$10,000 planning grant from California Emerging Technology Fund for development of an "aggregation of demand" project for broadband internet in the Eastern Sierra region. 2. Consider, approve, and authorize the Chairman's signature on a Memorandum of Understanding (MOU) among Mono, Inyo, and Kern Counties governing use of those funds and committing to the completion of the project. 3. Provide direction to staff.
Hunt/Hazard 5-0

INFORMATION TECHNOLOGY

Additional Departments: Wellness Committee

- 12a) Wellness report and direction (**Clay Neely**) - Receive presentation by Clay Neely, of the Wellness Committee, regarding the Memorial Hall exercise facility. Consider and potentially approve Wellness Committee's recommendations. Provide any desired direction to staff.

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No action at this meeting. Will be reagendaized **Action:** 1. Receive update on management and use of Memorial Hall exercise facility. 2. Direct that use of the Memorial Hall exercise facility be limited to the following: a) County employees, and their spouses residing in the same household, provided that spouses pay a monthly \$10.00 use charge and conditions of use are agreed upon; b) County retirees, and their spouses residing in the same household, provided that both the retiree and their spouse pay a monthly \$10.00 use charge and conditions of use are agreed upon. 3. Review and revise or confirm the appointment of wellness committee members. 4. Staff is directed to go back to committee and take another stab at this and then bring it back to the Board.

Stacy Simon, Deputy County Counsel, states that there is a problem with managing this facility and handling the violations. Committee will terminate memberships employee and/or any member of family that uses facility; determination would be in a position to make determination as to violations. Must be prepared to deal with ramifications from terminations for violations.

Problems are explained and abuses of the facility. Some cards have been revoked.

Comments by Board Members: Reid - County contribution is \$25 per employee – remainder of gym fee is paid by employee (in Mammoth) What is total members that belong to SnowCreek – between 70 and 80; approximately \$3,500 per month goes to SnowCreek or a total of \$42,000 per year and contributed by county. No problem with restricting this to employees, spouses and adult children that live in household (retirees included) lot of abuse going on with this facility. Against recommendation to charge spouses a monthly fee and retirees and spouses a monthly fee.

Beverlee Bryant comments that the Body Shop charges \$15.00 per month (so as not to compare to SnowCreek) adult children are a problem and that is why it is recommended not to include adult children.

Farnetti: is there an additional cost for spouse at Body Shop? Yes.

Stacy Simon: re \$10 contribution by spouses and retirees and their spouses. Looking to see if there is a legal issue with not charging.

Hunt: facility is not crowded. Agrees that this should be for employees and their spouses and retirees and spouses only.

Farnetti: approximately 62 users; questions use by Forest Service – if they are allowed to continue to use facility then others should be allowed.

Hazard: this facility is created for County employees. If adult children are a problem then they should be eliminated. Need stricter enforcement at Bridgeport facility. Should allow outside agencies to participate but put on 6 month probation.

Bauer: no adult children are allowed as “family members” at Snowcreek. The Bridgeport facility should be for county employees and the \$10.00 charge seems appropriate.

Grace Knoll USFS – speaks about the violation that the USFS employees were engaged in. Would like to continue using facility. Want to have a place where Fire Crew can go and work out. Would be willing to pay to use and not include spouses – if employees workout during work time they are covered by USFS workman’s comp. The most pressing issue is to allow the Fire Crews to work out.

Reid: committee should meet again and include the USFS on the committee. Then the committee could bring this back to Board with another recommendation. Should Cheryl Probert be involved. She will be informed.

Bauer feels that if the Forest Service is allowed to use this then it opens door for others.

Reid feels the fire crews should be allowed to.

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Consensus is to resubmit this issue to the committee and have them bring it back to the Board As one piece – not piece by piece. Committee will manage facility during the time before decision is made as before.

CAO comments – this is a very important issue – understands that another meeting should be held by Wellness Committee with new recommendation(s)

Recess: 11:45 a.m.

Reconvene: 11:50 a.m.

COUNTY COUNSEL

Additional Departments: Economic Development

- 13a) Resolution re Conway Ranch Foundation (**Marshall Rudolph and Dan Lyster**) - Proposed Resolution Pertaining to Certain Activities of the Conway Ranch Foundation on the Conway Ranch Property.

Comments by County Counsel: this matter was placed on the agenda as a place holder (this pertains mainly to fishing activities) Boards approval of this resolution would allow this to move forward and be completed. An Environmental Analysis for Fishing Activities on Conway Ranch document is distributed. Zoning for the property is the Conway Ranch Specific Plan; as long as fishing activities being proposed are the same as those in the specific plan then no further action is needed.

Alpers: Section 2 “with or without cause” phrase be changed to “with cause” and remove the word “without”

.

CAO suggests that resolution be passed subject to parties coming back and making changes. Marshall Rudolph states an alternative...could put “with cause” (only) in contract but have a sunset date in the future to revisit this. Remove the “without cause” phrase. This is agreeable to all.

Lyster states that if this does not get done in time for opening day of fishing, then he is willing to create a grand opening event later on.

Resolution will be adopted subject to changes discussed and County Counsel will prepare revised resolution for Chairman’s signature.

- R09-17** **Action:** Adopt **Resolution R09-17** pertaining to certain activities of the Conway Ranch Foundation on the Conway Ranch Property and subject to any changes that have been discussed with a term date of one year from date of this resolution unless Board chooses to extend contract prior to expiration date. County Counsel will revise resolution.
Bauer/Hazard 5-0

PUBLIC WORKS

- 14a) Agreement with Baxter's for Custodial and Campground Management Services (**Jeff Walters**) - Consider and potentially approve County entry into proposed contract with Baxter's pertaining to custodial and campground management services, and authorize the Director of Public Works to execute said contract on behalf of the County. Receive staff report. Provide any desired

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direction to staff.

- M09-81** **Action:** Approve and authorize the Public Works Director to execute and administer an agreement with Don Baxter, dba Baxter's, to provide custodial and campground management services. This authorization shall include making minor amendments to said contract from time to time as the Public Works Director may deem necessary, provided such amendments do not substantially alter the scope of work or budget and are approved as to form and legality by County Counsel.

Hazard/Hunt 5-0

- 14b) CalFire Conservation Camp Program - Letter of Understanding (**Jeff Walters**) - Receive staff report regarding potential use of labor crews from the CalFire Owens Valley Conservation Camp to assist Public Works on projects in 2009. Consider and potentially approve County entry into letters of understanding with CalFire for assistance on County projects. Provide any desired direction to staff.

- M09-82** **Action:** Authorize the Public Works Director, or his designee, to enter into agreements (in consultation with County Counsel and Risk Management) with CalFire to provide labor assistance on various County projects, as deemed necessary by the Public Works Director.

Farnetti/Bauer 5-0

- 14c) Change Orders to Tenant Improvements to Sierra Center Mall (**Kelly Garcia**) - Receive staff report. Consider and potentially authorize change orders to Sierra Center Mall Tenant Improvement Project.

- M09-83** **Action:** 1. Receive presentation from staff outlining proposed change orders for Sierra Center Mall Tenant Improvement Project. 2. Authorize the Director of Public Works to execute contract change orders for the Sierra Center Mall Tenant Improvement Project in an amount not to exceed \$63,798.12.

Hunt/Bauer 5-0

LUNCH 12:30 p.m. to 1:40 p.m.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD on items of public interest that are within the subject matter jurisdiction of the Board.

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(Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board.)
No one spoke

- 14d) Airport Capital Improvement Program Update and Agreement for Airport Consulting (**Kelly Garcia**) - Receive update of the Airport Capital Improvement Program and potentially authorize the Director of Public Works to execute grant applications and grant agreements generated therefrom. Consider and potentially approve County entry into proposed contract with PBS&J pertaining to airport engineering services, and authorize the Director of Public Works to execute said contract on behalf of the County. Approve plans and specifications for the Lee Vining Airport Reconstruction Project. Provide any desired direction to staff.

M09-84 **Action:** 1. Receive staff report identifying the Airport Capital Improvement Projects currently programmed with the Federal Aviation Administration for Bryant Field and Lee Vining Airport. 2. Approve and authorize the Public Works Director to execute and administer grant applications and agreements associated with the Airport Capital Improvement Projects currently programmed with the Federal Aviation Administration for Bryant Field and Lee Vining Airports. 3. Approve and authorize the Director of Public Works to execute and administer an Engineering and Airport Consulting Services Agreement with PBS&J in an amount not to exceed \$251,400. This authorization shall include making minor amendments to said contract from time to time as the Public Works Director may deem necessary, provided such amendments do not substantially alter the scope of work or budget and are approved as to form and legality by County Counsel. 4. Adopt and approve plans and specifications for runway reconstruction at Lee Vining Airport. Approve and authorize the Clerk to the Board, in consultation with the Department of Public Works, to advertise for bids. Approve and authorize the Public Works Director to process and execute appropriate construction documents during the bid process.
Farnetti/Hunt 5-0

Additional Departments: Finance

- 14e) Prop. 1B 2008 Supplemental Appropriation and FY08-09 Appropriation (**Garrett Higerd**) - Receive staff report concerning road rehabilitation projects proposed for Proposition 1B funding. Consider and potentially adopt resolution adopting Mono County's approved list of projects under Proposition 1B. Provide any desired direction to staff.

R09-18 **Action:** Adopt **Resolution R09-18** "A Resolution of the Mono County Board of Supervisors Authorizing Submission of Mono County's Local Streets and Roads Projects for Proposition 1B 2008 Supplemental and Proposition 1B 2008-09

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Appropriation Funding and Amending the County's FY 08-09 Budget to Include Those Projects."

Hazard/Hunt 5-0

- 14f) Facility Maintenance Priorities (**Joe Blanchard, Jeff Walters, Evan Nikirk**) - Receive staff report regarding potential maintenance projects at County facilities for the remainder of FY08-09. Discuss project priorities. Provide any desired direction to staff.

Comments by Board

Hunt wants to see video conferencing issue done – other Board members concur

Hazard states that jobs need to get done and since there is money available we should do them (top part of Exhibit 3) other Board members agree

- M09-85** **Action:** Increase the Buildings Budget for contract services by \$106,000 for approved projects that can be completed in the current fiscal year. Funds to be allocated between the CIP and the Public Works Building Budget and distributed by Finance Director.

Hazard/Hunt 5-0

3:00 p.m. ADJOURNMENT

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